

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
BOARD OF EXAMINERS OF HOISTING ENGINEERS  
1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room  
Cranston, RI 02920  
TUESDAY, October 9, 2012  
10:00am**

**In attendance: Ronald R. D'Ambruoso  
Brian Iannuccillo  
Ellery Wood, Jr.  
James Woloochojian, Chair**

**Joseph Graziano and James White were not in attendance.**

**Also in attendance were David Rodrigues, Chief Hoisting Engineer Investigator; and Benjamin Copple, Legal Counsel.**

**1. - Call to Order:**

**The meeting was called to order at 10:05 am by James Woloochojian.**

**2. - Conflict of Interest:**

**Benjamin Copple, Legal Counsel, reminded board members of their requirement with the state Ethics Commission. If there is a conflict of interest it should be disclosed.**

### **3. - Approval of Minutes:**

**A motion was made by Ellery Wood to accept the minutes of the September 11, 2012 meeting; seconded by Brian Iannuccillo and passed unanimously by the Board.**

### **4. - Violation Appeal Hearings:**

**A. Ricci & Sons General Contractors (Violation 4354): Joseph Ricci, of A. Ricci & Sons General Contractors, and David Rodrigues, Chief Hoisting Engineer Investigator, are sworn in for testimony. James Woloochojian reads the violation.**

#### **Violation 4354, 8/27/12**

**Name of Violator: A. Ricci & Sons General Contractors, 990 Mineral Spring Ave, North Providence, RI 02904**

**Location of Violation: Golden Crest Nursing Center 100 Smithfield Rd., North Providence, RI**

**Violation: On Wednesday, August 22, 2012, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Denis Isaac Reyes Reyes, an employee of Reyes Landscaping & Masonry, 100 Whittier Ave., Providence, RI 02909, operating a compact hydraulic excavator without a valid RI Hoisting Engineer's License at the above job location. A. Ricci & Sons General Contractors sub-contracted with Reyes Landscaping & Masonry to perform said work. According to RIGL 28-26-12 "Investigation and Prosecution of Violations", this is**

**one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery".**

**David Rodrigues provides testimony. A copy of Denis Isaac Reyes Reyes identification is entered as Exhibit A. On 6/14/12, a warning was given to Reyes Landscaping and the individual on site at City View Place. A. Ricci Construction had hired Reyes Landscaping. Also entered into evidence are: Exhibit B, photo from 6/14/12 of City View Place sign; Exhibit C, copy of identification dated 6/14/12; and Exhibit D and E, photos of hoisting equipment dated 6/14/12.**

**Joseph Ricci addressed the board and provides testimony.**

**David Rodrigues provides additional testimony.**

**Ellery Wood made a motion that Violation 4354 did occur; seconded by Brian Iannuccillo. There was no opposition.**

**Ellery Wood made a motion that the penalty of \$600.00 be suspended for one year pending no further violations during that period and seconded by Brian Iannuccillo. There was no opposition.**

**The recommendation will be forwarded to the Director.**

**Jaider Alves (Violation 4367): Jaider Alves is not present. David Rodrigues is questioned regarding notice of today's hearing. The**

hearing notice sent by certified mail was not claimed. The notice sent by regular mail was not returned. Ellery Wood made a motion that notice was given to Mr. Alves and the hearing should proceed; seconded by Brian Iannuccillo. There was no opposition. The hearing continues.

David Rodrigues, Chief Hoisting Engineer Investigator and Jeff Johnston, of Turf Technologies, are sworn in for testimony. James Woloochojian reads the violation.

**Violation: 4367, 9/5/12**

**Name of Violator: Jaider Alves, 153 Second St Apt 364 Framingham, MA 01702**

**Location of Violation: Residential home: 14 Linden Ct. North Kingstown, RI**

**Violation: On Saturday, September 1, 2012, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Jaider Alves, an employee of Turf Technologies, Inc., 77 Industrial Dr., Uxbridge, MA 01569, operating a skid steer loader without a valid RI Hoisting Engineer's License at the above job location. This is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery".**

**David Rodrigues provides testimony. Photos are entered into evidence: Exhibit A – photo of a skid steer loader; Exhibit B – photo**

**of skid steer loader being operated.**

**Jeff Johnston addressed the board and provides testimony.**

**The board questions Mr. Rodrigues and Mr. Johnston.**

**Ellery Wood made a motion that Violation 4367 did occur; seconded by Brian Iannuccillo. There was no opposition.**

**Ellery Wood made a motion to uphold the penalty of \$300.00; seconded by Brian Iannuccillo and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Turf Technologies (Violation 4368): Jeff Johnston and David Rodrigues were previously sworn. James Woloohojian reads the violation.**

**Violation: 4368, 9/5/2012**

**Name of Violator: Turf Technologies, Inc., 77 Industrial Dr, Uxbridge, MA 01569**

**Location of Violation: Residential home 14 Linden Ct. North Kingstown, RI**

**Violation: On Saturday, September 1, 2012, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Jaider Alves, an**

employee of Turf Technologies, Inc., 77 Industrial Dr., Uxbridge, MA 01569, operating a skid steer loader without a valid RI Hoisting Engineer's License at the above location. According to RIGL 28-26-12 "Investigation and Prosecution of Violation", this is (1) one violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery".

David Rodrigues provides testimony.

Jeff Johnston provides testimony and is questioned by the board.

Ellery Wood made a motion that Violation 4368 did occur; seconded by Brian Iannuccillo. There was no opposition.

Ellery Wood made a motion to uphold the penalty of \$600.00; seconded by Brian Iannuccillo. There was no opposition.

The recommendation of the Board will be forwarded to the Director.

End of hearings.

**\*\* It was noted that the Department's website currently lists the late David Burnham as the Board's chair. The website will be updated.**

**5. - Adjournment:**

A motion to adjourn was made by Ellery Wood; seconded by Brian

**Iannuccillo. There being no objection, the meeting adjourned at 11:01am.**